

IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

**NOVEMBER 2011 GRAND JURY
(Impaneled 11/04/2011)**

THE UNITED STATES OF AMERICA

-vs-

INDICTMENT

ROGER S. LUCZKOWIAK

Violations:

Title 18, United States Code, Sections
2251(a), 2252A(a)(2)(A) and
2252A(a)(5)(B).

(9 Counts and Forfeiture Allegation)

**COUNT 1
(Production of Child Pornography)**

The Grand Jury Charges That:

On or about November 20, 2010, the exact date being unknown, in the Western District of New York, the defendant, **ROGER S. LUCZKOWIAK**, did knowingly use, persuade, induce, entice and coerce a minor, that is, Victim 1, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such sexually explicit conduct, which visual depiction was produced using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2251(a) .

COUNT 2
(Production of Child Pornography)

The Grand Jury Further Charges That:

On or about April 16, 2011, the exact date being unknown, in the Western District of New York, the defendant, **ROGER S. LUCZKOWIAK**, did knowingly use, persuade, induce, entice and coerce a minor, that is, Victim 1, a person known to the Grand Jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such sexually explicit conduct, which visual depiction was produced using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2251(a) .

COUNT 3
(Production of Child Pornography)

The Grand Jury Further Charges That:

On or about April 17, 2011, the exact date being unknown, in the Western District of New York, the defendant, **ROGER S. LUCZKOWIAK**, did knowingly use, persuade, induce, entice and coerce a minor, that is, Victim 1, a person known to the Grand Jury, to

engage in sexually explicit conduct for the purpose of producing a visual depiction of such sexually explicit conduct, which visual depiction was produced using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2251(a) .

COUNT 4
(Distribution of Child Pornography)

The Grand Jury Further Charges That:

On or about March 16, 2011, at approximately 8:36 a.m. EST, in the Western District of New York, and elsewhere, the defendant, **ROGER S. LUCZKOWIAK**, did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8), to a person known to the Grand Jury, that is, two (2) video files of child pornography, that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a) (2) (A) .

COUNT 5
(Distribution of Child Pornography)

The Grand Jury Further Charges That:

On or about May 31, 2011, at approximately 8:42 a.m. EST, in the Western District of New York, and elsewhere, the defendant, **ROGER S. LUCZKOWIAK**, did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8), to a person known to the Grand Jury, that is, three (3) video files and three (3) image files of child pornography, that had been shipped and transported using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a) (2) (A) .

COUNT 6
(Receipt of Child Pornography)

The Grand Jury Further Charges That:

Between on or about May 27, 2011, and on or about May 31, 2011, in the Western District of New York, and elsewhere, the defendant, **ROGER S. LUCZKOWIAK**, did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that is, twenty-eight (28) video files of child pornography, that had been shipped and transported using any means

and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a) (2) (A) .

COUNT 7
(Possession of Child Pornography)

The Grand Jury Further Charges That:

On or about June 1, 2011, in the Western District of New York, the defendant, **ROGER S. LUCZKOWIAK**, did knowingly possess material, to wit, a HP desktop computer, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and that were produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a) (5) (B) .

COUNT 8
(Possession of Child Pornography)

The Grand Jury Further Charges That:

On or about June 1, 2011, in the Western District of New York, the defendant, **ROGER S. LUCZKOWIAK**, did knowingly possess material, to wit, a Seagate External Hard Drive, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and that were produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a) (5) (B) .

COUNT 9
(Possession of Child Pornography)

The Grand Jury Further Charges That:

On or about June 1, 2011, in the Western District of New York, the defendant, **ROGER S. LUCZKOWIAK**, did knowingly possess material, to wit, a Philips DVD-R labeled "Business Records", that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using

any means and facility of interstate and foreign commerce, that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and that were produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a) (5) (B) .

FORFEITURE ALLEGATION

The Grand Jury Alleges That:

As a result of the offenses alleged in this Indictment, the defendant, **ROGER S. LUCZKOWIAK**, shall forfeit to the United States any matter which contains any such visual depiction of child pornography, which was produced, transported, mailed, shipped, or received and/or any and all property, real and personal, used or intended to be used to commit or to promote the commission of such offense, and all property traceable to such property, including but not limited to the following:

- 1) HP desktop computer, bearing serial number 4CEO331NHB.
- 2) Seagate 1 TB hard drive, bearing serial number 9VP89TEF that contained images and videos of child pornography.
- 3) Seagate 250 GB external hard drive, bearing serial number 2GE24LHT.

- 4) Philips DVD-R that contained videos of child pornography.

All pursuant to Title 18, United States Code, Sections 2253(a)(1) and 2253(a)(3).

DATED: Buffalo, New York, December 20, 2011.

WILLIAM J. HOCHUL, JR.
United States Attorney

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A TRUE BILL:

S/FOREPERSON
FOREPERSON